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7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2013-163**

11 **CAROLINE CATUIRA MERINO, AKA**
12 **CAROLINE REYES CATUIRA**
13 **15547 Cornuta Avenue**
Bellflower, CA 90706

A C C U S A T I O N

14 **Registered Nurse License No. 646524**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 18, 2004, the Board of Registered Nursing (Board) issued
23 Registered Nurse License Number 646524 to Caroline Catuira Merino, aka Caroline Reyes
24 Catuira (Respondent). The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 9. California Code of Regulations, Title 16, section 1443.5 states:

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3 A registered nurse shall be considered to be competent when he/she
4 consistently demonstrates the ability to transfer scientific knowledge from social,
5 biological and physical sciences in applying the nursing process, as follows:

6 (1) Formulates a nursing diagnosis through observation of the client's physical
7 condition and behavior, and through interpretation of information obtained from the
8 client and others, including the health team.

9 (2) Formulates a care plan, in collaboration with the client, which ensures that
10 direct and indirect nursing care services provide for the client's safety, comfort,
11 hygiene, and protection, and for disease prevention and restorative measures.

12 (3) Performs skills essential to the kind of nursing action to be taken, explains
13 the health treatment to the client and family and teaches the client and family how to
14 care for the client's health needs.

15 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
16 subordinates and on the preparation and capability needed in the tasks to be
17 delegated, and effectively supervises nursing care being given by subordinates.

18 (5) Evaluates the effectiveness of the care plan through observation of the
19 client's physical condition and behavior, signs and symptoms of illness, and reactions
20 to treatment and through communication with the client and health team members,
21 and modifies the plan as needed.

22 (6) Acts as the client's advocate, as circumstances require, by initiating action
23 to improve health care or to change decisions or activities which are against the
24 interests or wishes of the client, and by giving the client the opportunity to make
25 informed decisions about health care before it is provided."

26 COST RECOVERY

27 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

29 PATIENT 1

30 11. From about June 2005 to February 2011, Respondent was employed as a night shift
31 registered nurse and relief charge nurse in the Telemetry Unit at St. Francis Medical Center. On
32 or about January 21, 2011, Patient 1 was admitted to the Telemetry Unit at St. Francis Medical
33 Center with abnormal troponin, acute febrile illness, severe anemia and weakness. The patient
34 had a history of end stage renal disease, hypertension, pneumonia, sepsis and recently started on

1 dialysis. During Patient 1's hospitalization up to January 31, 2011, Patient 1's heart rate was
2 generally between 90 to the low 100s.

3 12. On or about January 31, 2011, Respondent was the Relief Charge Nurse in the
4 Telemetry Unit. Registered nurse K.A. was assigned as the primary nurse for Patient 1. At about
5 4:00 a.m., Respondent was assigned to watch the monitors while the monitor technician was on
6 break. Nurse K.A. was seated behind Respondent in front of the computer.

7 13. At about 3:54 a.m., Patient 1's monitor alarmed due to an increase of heart rate to
8 105. At about 4:45 a.m., the patient's monitor alarmed a second time. Respondent notified Nurse
9 K.A. that the patient's heart rate was in the 40s and asked if this was normal for this patient.
10 Nurse K.A. replied it was normal as this patient's heart rate ranged between 40-50. Nurse K.A.
11 did not check on the patient. At about 4:51 a.m., the patient's monitor alarmed when the patient's
12 heart rate dropped to 39. Respondent again requested Nurse K.A. to check on her patient. Nurse
13 K.A. did not check on the patient. At about 4:52 a.m., the patient's heart rate dropped to 38.
14 Respondent alerted Nurse K.A. again. Nurse K.A. checked the patient who was unresponsive
15 already. Code Blue was called and the patient was pronounced dead at about 6:24 a.m.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct - Gross Negligence)**

18 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
19 (a)(1), in conjunction with California Code of Regulations, title 16, section 1442 on the grounds
20 of unprofessional conduct, in that Respondent committed gross negligence in her care of Patient
21 1. The circumstances are as follows, and as alleged in paragraphs 11-13, which are incorporated
22 herein by reference:

23 15. On or about January 31, 2011, when Respondent assumed the role of the monitor
24 technician, she claimed the monitor technician did not give her a report and she did not know
25 what to look for.

26 16. On or about January 31, 2011, when Patient 1's heart rate dropped to the 40s on
27 multiple occasions, Respondent failed to recognize that the patient was symptomatic or in
28 distress, and failed to ensure immediate response.

1 SECOND CAUSE FOR DISCIPLINE

2 (Incompetence)

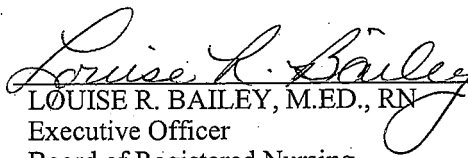
3 17. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(1) in conjunction with California Code of Regulations, title 16, section 1443 on the grounds of
5 unprofessional conduct, in that Respondent demonstrated incompetence in her care of Patient 1.
6 The circumstances are as alleged in paragraphs 11-16, which are incorporated herein by
7 reference.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 646524, issued to
12 Caroline Catuira Merino, aka Caroline Reyes Catuira;
13 2. Ordering Caroline Catuira Merino to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;
16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: September 5, 2012


18 LOUISE R. BAILEY, M.ED., RN
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant

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